

OPEN SESSION MINUTES

Department of Consumer Affairs
Board of Psychology
Quarterly Meeting
The Westin, Horton Plaza
910 Broadway Circle
San Diego, CA 92101

March 7, 1998

The open session meeting of the Board of Psychology was called to order by Judith Janaro Fabian, Ph.D. at 9:10 a.m.. A quorum was present and due notice had been set to interested parties.

Present were:

Judith Janaro Fabian, Ph.D., Vice-Chairperson
Martin Greenberg, Ph.D.
Linda Hee, Ph.D.
Emil Rodolfa, Ph.D.
Mary McMillan, Secretary
Marilyn Palarea

Others Present:

Thomas O'Connor, Executive Officer
Dan Buntjer, DCA Legal Counsel
Suzanne Taylor, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator
Jeff Thomas, Special Projects Analyst
Annette Brown, Business Services Technician

Agenda Item #12 -Chairperson's Report

1. ASPPB Update

Dr. Fabian reviewed the topics and professional issues discussed at the ASPPB Mid-Winter meeting in Long Beach on February 26, 1998 - March 1, 1998.

2. CPA Update

Dr. Fabian reported the Board will be conducting an expert witness workshop in Pasadena at the CPA Convention on Saturday March 28, 1998 from 8:00 - 11:00 am.

Mr. O'Connor stated that the Board is still awaiting CPA's response to the Board's answers to a list of questions from CPA regarding administrative due process procedures.

c. Board Member Update

Mary McMillan was reappointed for a second term as a public member by the Speaker of the Assembly.

d. Annual Performance Evaluation of Executive Officer (5/98)

Dr. Greenberg, Chair of the Personnel sub-committee, will handle the evaluation of the Executive Officer at the May Board meeting.

e. Other Post-Agenda Items for Discussion

None

Agenda Item #13 - Executive Officer's Report

a. Strategic Plan 1998/99 & 1999/2000

Mr. O'Connor reported that Marjorie Berte, Director of Department of Consumer Affairs will resign effective March 31, 1998.

Because of time constraints associated with Sunset Review, Mr. O'Connor explained that senior staff met to update the 1998/99 Strategic Plan and presented the draft plan to the board. The Board members adopted the draft plan which will be submitted to the Department on May 1.

Mr. O'Connor discussed the BOP website and how it became a reality this fiscal year. The website includes all disciplinary actions that were included in BOP Updates, complaint form which can be downloaded, Laws and Regulations, and disciplinary guidelines. The Department is working on the capacity for consumers to file complaints on-line and staff is looking into the process necessary to establish on-line licensing verification.

Mr. O'Connor reported that since the beginning of the new year there has been 6,000 hits to the website and over 3,000 in January. With the board's capability to send e-mail through the website, we have received about 10 e-mails per day which are being responded to daily.

The Board participated in Local Talk program in the Bay Area and Dr. Fabian reported that she listened to the message and found it to be quite good.

Board Members and Senior staff will meet in July, 1998 to discuss next year's goals and strategies at Granlibakken Conference Center in Lake Tahoe.

b. Update: APA Working Group to Review Sponsor Approval System

Mr. O'Connor was appointed to an APA working group which is charged with reviewing quality assurance in continuing education. He advised his specific sub-group assignment is to study Quality Controls in the CE process. The working group will next meet in May at the APA headquarters in Washington, D.C.

c. 1999 Calendar

It was M(Fabian)/S(Greenberg)/C to adopt the proposed 1999 Calendar drafted by staff.

At staff recommendation, the Board revised the 1998 Calendar to change the tentative August 21 & 22, 1998 board meeting to August 28 & 29, 1998.

4. Update: ASPPB Committee on Education and Training for Credentialing

Mr. O'Connor discussed the work of the Committee to which he has been appointed by ASPPB. The first task will be to establish guidelines for oral exams.

5. Other Post-Agenda Items for Discussion

Mr. O'Connor presented a newspaper article regarding the Bureau of Private Postsecondary and Vocational Education (BPPVE). Governor Wilson appointed John V. Griffin from Nevada to serve as Bureau Chief of BPPVE.

Agenda Item #14 - Legal Counsel's Report

1. 1387(o)(3); 1387(o)(3)(a): Applicable to Psychological Assistant Registrations?

Mr. Buntjer reviewed an issue paper he developed regarding the inapplicability of 1387(o)(3) in situations wherein a psychological assistant registration is required. He concluded that the Board does not have authority to approve these plans if a Psychological Assistant registration is required at the site. He will submit a legal opinion to staff which states that the board has no discretion when a Psychological Assistant registration is required at the setting proposed in a plan submitted pursuant to Section 1387(o)(3).

2. Update: Federal Reform Act

Mr. Buntjer reported that this Act was signed into law in August, 1996, and it prohibits non-qualified aliens from being licensed or registered. DCA has yet to implement the Act due to technical complexities. A pilot project is being developed along with boilerplate draft regulations to address initial license and renewals. The BOP is not part of this pilot project. Mr.

Buntjer will update the Board at the May meeting.

3. Update: ASPPB Credential of Professional Qualification

Mr. Buntjer reported that ASPPB is encouraging all States and Provinces to adopt regulations that will give the State or Province the authority to accept a Certificate of Professional Qualification (CPQ) as meeting the licensure requirements. The requirements to obtain a CPQ from ASPPB are actually in many regards more stringent than California licensure requirements.

Mr. Buntjer discussed proposed regulatory language which would facilitate the board in accepting the CPQ as meeting California licensing requirements. Further, such persons holding CPQ would take the jurisprudence oral examination. This will enable the Board to enjoy some level of reciprocity with other States or Provinces.

Mr. Buntjer also stated that ASPPB does have the authority to revoke a CPQ if a State or Province has taken disciplinary action against the licensee or applicant.

4. Other Post-Agenda Items for Discussion

None

Agenda Item #15 - Regulation Update

1. Update: CE Regulations

Mr. Jeff Thomas reported that currently, the continuing education regulation package is at the DCA for review and approval. Once returned, it will be submitted to OAL which has 30 working days to review and take action on the file.

2. 1998 Regulation Calendar

Mr. Thomas reviewed the calendar. Dr. Fabian commended Mr. Thomas on how well organized she found the calendar to be.

3. Supervision Regulations

Mr. O'Connor presented a working draft of proposed new supervision regulations. A more refined draft will be presented for discussion at the May, 1998 board meeting. Mr. Buntjer suggested that the Board consider holding informational hearings for public input, perhaps at the August, 1998 Board meeting.

4. Other Post-Agenda Items for Discussion

None.

Agenda Item #16 - Credentials Committee Report

1. Checklist and Form Letter to Submit Plan for Supervised Professional Experience Pursuant to 1387(o)(3)

Dr. Hee reviewed the form letter and checklist and stated these will assist staff in their initial review of plans submitted by the applicants prior to submission to the Credentials Committee. The Committee instructed staff to format the letter similar to the pink supervision form. The new format will be presented at the May Board meeting.

2. Kelton-Locke, Starr - Request for Approval of Supervised Hours in Research as a Psychological Assistant

The Credentials Committee recommended to the Board approval of Star Kelton-Locke's request for supervised hours in research as a Psychological Assistant at Kaiser-San Rafael.

It was M(Hee)/C to approve.

VOTE: 6-0 Unanimous

3. Kornhaber, Mila, PhD - Review of Foreign Degree Evaluation

The Credentials Committee recommended to the Board approval of Dr. Kornhaber's foreign degree as equivalent.

It was M(Hee)/C to approve.

VOTE: 6-0 Unanimous

4. **d. Campbell, Jill, Psy.D. - Review of Post-Doctoral Hours at Cedars-Sinai Medical Center**

Dr. Hee reported that documentation was received by Cedars-Sinai Medical Center indicating that it is not a legal subsidiary of UCLA and therefore would require a registration to accrue hours post-doctorally. The Credential Committee recommended to the Board denial of Dr. Campbell's supervised hours at Cedars-Sinai due to the lack of a proper registration..

It was M(Hee)/C to deny.

VOTE: 6-0 Unanimous

5. Hewick, Walter E., PhD - Review of Doctorate Degree in Education from The American University, Washington D.C.

The Credentials Committee recommended the Board reject Dr. Hewick's doctorate degree in Education. Dr. Hewick's coursework is deficient in all of the required core areas.

It was M(Hee)/C to deny.

VOTE: 6-0 Unanimous

6. Other Post-Agenda Items for Discussion

None

Agenda Item #17 - Examination Committee Report

1. Examiner Food Fund Dues \$35.00

Dr. Fabian informed the Board \$35.00 is due from each member for the Examiner Food Fund.

2. Extended Time for the Oral Examination

Dr. Fabian discussed the need to define the word "unlimited" for those candidates approved for extra time to complete the oral exam. The Board agreed that time and a half should be the definition (2 hours, 15 minutes). Staff will prepare a policy and submit draft regulations.

3. Oral Examination Candidate/Examiner Exit Questionnaire/Survey

Mr. O'Connor requested the Board submit ideas and have a final draft for approval for the May board meeting.

4. 10/97 EPPP and 1/98 Oral Examination Statistics

Dr. Fabian reviewed the examination statistics. 469 candidates sat for the October 1997 EPPP. The pass rate was 64%. 526 candidates sat for the January 1998 oral exam. The pass rate was 44.3%. 35 candidates sat for the Jurisprudence Ethics Oral Exam and the pass rate was 86%.

5. Other Post-Agenda Items for Discussion

The Examination Committee declined the request of Barbara Klein, Ph.D., to waive the Oral examination. However, the board clearly stated it's intent to provide Dr. Klein with reasonable accommodation as she sits for the oral exam.

M(Fabian)/C to deny.

VOTE: 6-0 Unanimous

Agenda Item #18 - Enforcement Committee Report

1. Latest Enforcement Statistics

Ms. Palarea reviewed the latest enforcement statistics and found them to be comparable to last year's statistics.

2. Expert Training on March 27, 1998

Ms. Palarea stated the actual date is March 28, 1998, in Pasadena, CA.

Two applications for expert case reviewers were received, one was accepted and more information is requested on the other.

3. Other Post-Agenda Items for Discussion

None

Agenda Item #19 - Legislative Committee Report

a. BOP Sponsored Legislation

Ms. McMillan reported on SB2050 for informational purposes only. This bill is relating to prescription privileges for psychologists.

Mr. O'Connor reported on the Sunrise Bill, SB1983 which was introduced by Senator Leroy Greene. The Joint Legislative sunset review committee will vote on the recommendations from their staffs and from the DCA.

Mr. O'Connor presented at the December meeting of the BOP, language regarding sexual misconduct with former patient issues and language to specifically prohibit the Board from licensing a registered sex offender. This language will be carried as a committee bill by the Senate Business and Professions Committee.

2. Update: Post-Sunset Review Legislation

Mr. O'Connor reported that the Joint Legislative Sunset Review Committee will vote on recommendations from DCA and the Committee concerning the BOP on March 17, 1998. One of the recommendations is to increase the number of board members to 9 from the current 8. It was recommended that this additional member be a public member.

3. Other Post-Agenda Items for Discussion

None

Agenda Item #20 - Consumer Education Committee Report

a. BOP Update

Ms. McMillan requested the board submit articles for the BOP Update. The Board would like to have it completed for distribution this summer.

b. BOP Website

Previously discussed in Item 13(a).

c. Other Post-Agenda Items for Discussion

None

The Open Session meeting adjourned at 10:30 a.m.

Respectfully Submitted,

Judith Janaro Fabian, Ph.D.
Vice-Chairperson

Mary McMillan
Secretary